

APPENDIX N

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1 there continuously but he's back there for a
2 while.
3 Q. How old --
4 A. He's 25.
5 Q. Anybody else live there?
6 A. No.
7 Q. What's your email address?
8 A. Terry Marquardt, my whole name, the number
9 1, at gmail.
10 Q. Do you have any other email addresses?
11 A. I don't.
12 Q. Do you have one that you use for work?
13 A. There is a work email, which is
14 tmarquardt@senate.michigan.gov.
15 Q. Do you have any other email addresses that
16 you have used in the last 10 years?
17 A. I switched over to a gmail address in
18 approximately 2012.
19 Q. And did you have something else before that?
20 A. No, I think that was my original. That was
21 a Yahoo email, and that was the last one
22 that -- probably the first one that I had.
23 Q. So what was the Yahoo email address?
24 A. I believe -- it's been a long time. I
25 believe it was temarquardt@yahoo.com.

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1 was using the, you know, right password, it
2 didn't exist but, again, that was a long
3 time ago and I didn't have it written down
4 anywhere after seven or eight years.
5 Q. Other than the Yahoo account, the gmail
6 account and then your Senate account, have
7 you used any other emails in the last 10
8 years?
9 A. No.
10 Q. Why did you switch from the Yahoo to the
11 gmail?
12 A. I used Google a lot so I just switched over
13 to the gmail. It seemed the thing to do at
14 the time.
15 Q. Do you keep a calendar?
16 A. Yes, I do.
17 Q. Is that hardcopy or electronic?
18 A. It's electronic.
19 Q. What software do you use for that?
20 A. It's on my Outlook, which is my State
21 account.
22 Q. Do you know how far back that calendar goes?
23 A. I would say probably to 2014.
24 Q. And do you keep any other calendar besides
25 the Outlook Calendar at work?

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1 Q. And you said you switched from the Yahoo to
2 the gmail you said in 2012?
3 A. About 2012 because in the process of this
4 whole, you know, supplying things, I went
5 back and I noticed that the earliest email
6 that I had in my gmail account was in late
7 2012, so that's why I know that date.
8 Q. So, is your Yahoo account still --
9 A. I tried to --
10 Q. Is it still active?
11 A. I tried to access it, and it's not active
12 any longer.
13 Q. When you say you tried to access it, what --
14 A. I just tried to log back in.
15 Q. Can you let me finish the question.
16 A. I apologize. I'm anticipating. I
17 apologize.
18 Q. It's understandable. So when you tried to
19 access it, what happened? What did you try
20 to do?
21 A. I entered my, you know, old, you know,
22 password and it said the account didn't
23 exist.
24 Q. And you remembered what your password was?
25 A. I thought I remembered what it was, so if I

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1 A. No.
2 Q. What kind of computer do you have?
3 A. Well, I have my work computer, you know, my
4 State computer.
5 Q. Is that a laptop or desktop?
6 A. That is a desktop.
7 Q. And how long have you been using that
8 machine?
9 A. I can't remember when they switched them out
10 last but, you know, since 2014 when I came
11 back to the Senate. They may have switched
12 computers but, you know, they transferred
13 all the files, so --
14 Q. And do you have a personal computer at home?
15 A. I do.
16 Q. And what do you have?
17 A. It's a laptop. I don't even know what kind
18 it is. It's a ThinkPad, similar to the one
19 down there (indicating). I noticed that
20 earlier.
21 Q. And how long have you had that ThinkPad?
22 A. Probably since 2014 when -- again, when I
23 came back to work for the Senate.
24 Q. You mentioned working for the Senate a
25 couple times. I assume you're employed?

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1 A. I mean, that pretty much pertains to one
2 particular part of the state because in
3 Senate districts really only the Detroit
4 area is there a concentrated, you know, area
5 of minority voters that it applies to, so it
6 does become important when you get to that
7 portion of the state.
8 Q. I think you said eliminating breaks, I think
9 you said it was the top of the scale?
10 A. Um-hmm.
11 Q. Who set that to be the top of the scale?
12 A. Well, eliminating county breaks I think is
13 the top of the scale. Eliminating city and
14 township breaks would be the next criteria.
15 That's part of the Apol criteria.
16 When I say "the top," obviously,
17 equal population within the deviation ranges
18 is probably above that, obviously, but --
19 Q. You mentioned the Apol criteria. Is that
20 the same as this eliminating breaks or is
21 there more to the Apol criteria than that?
22 A. It does go down further to explain, you
23 know, how to do -- when you have to do
24 breaks, you know, what you should do. When
25 you have to break cities, there's a certain,

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1 you know, less population deviation when you
2 break cities and townships that you have to
3 follow but those are kind of down the scale
4 a little bit and you don't have to deal with
5 those as often.
6 Q. You're familiar with the Apol criteria and
7 how to apply all those rules?
8 A. I am. I was probably more familiar with
9 them in 2011 than I am now after not looking
10 at them for several years but --
11 (Exhibit 77 was marked.)
12 BY MS. MAPPES:
13 Q. Mr. Marquardt, the court reporter has handed
14 you what's been marked Exhibit 77. Are you
15 familiar with this document?
16 A. I am.
17 Q. What is it?
18 A. It appears to be a document that I wrote at
19 some point in time that dealt with the
20 criteria for one thing. I mean, I recall
21 doing it but I don't remember much about it.
22 It's been quite a few years ago.
23 Q. And towards the back of this document, I
24 think it's actually three pages from the
25 end, is that your signature? It's page 7 of

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1 the --
2 A. Yes, it is.
3 Q. And it's dated March 8, 2012?
4 A. Yes.
5 Q. I think earlier I asked you if you had
6 executed any Affidavits or Declarations and
7 I think you didn't recall. Does this --
8 A. Yeah, obviously I did this one, yes.
9 Q. Okay. And then you were talking about the
10 Apol criteria and I just wanted to direct
11 you to the bottom of page 2 going into page
12 3, and the page numbers I'm referring to are
13 the numbered pages not including that blank
14 page.
15 Paragraph 6 at the bottom of page 2
16 says: "The Apol criteria next established a
17 hierarchy of redistricting principles based
18 on preservation of political subdivision
19 boundaries and population equality."
20 And then they appear to be set out
21 on page 3. I just wanted to confirm this is
22 what you were referring to earlier, this
23 criteria, and this is the hierarchy that the
24 Apol criteria sets out as you understand it?
25 A. Yes.

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1 Q. Okay. And you're familiar with these
2 criteria and how to apply them?
3 A. Yes.
4 Q. Did anybody teach you how to do that or is
5 that something you just figured out as you
6 went along the redistricting process?
7 A. The latter.
8 Q. Okay. Looking back on page 2, paragraph 2,
9 it says, "I was one of the legislative
10 employees who drafted the State House and
11 Senate redistricting plans for consideration
12 by the Michigan Legislature after the
13 decennial Census was released in March of
14 2011."
15 Do you see that sentence?
16 A. Yes, I do.
17 Q. Earlier I thought you said you only did the
18 Senate redistricting plan?
19 A. And I did. I mean, I probably, you know,
20 looked at the House maps at one point in
21 time and obviously I looked at their VRA
22 stuff. I didn't even recall this, but for
23 the most part, I would say 99 percent of my
24 work was on the Senate.
25 Q. So, this is maybe a bit of an overstatement

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1 THE WITNESS: In the few choices
2 that we had, I would say that's true, but
3 the choices are very few.
4 BY MS. MAPPES:
5 Q. And just so I understand, by "very few,"
6 what does that mean? How many choices are
7 you making where that comes into play?
8 A. Well, once you have all the districts kind
9 of, you know, drawn within the criteria, and
10 you're trying not to split counties, you're
11 trying not to split townships and cities,
12 there's only so many combinations that
13 actually fit together and make that so.
14 So, where -- where those, you
15 know -- where you had options within that,
16 again, were very few for the most part.
17 Q. And is "very few" a handful or are there 20
18 places in the map where you get to make some
19 shifts along those lines?
20 A. I don't know that I can put a number on it
21 without actually going back and sitting at
22 the table again 10 years ago, but I'd say
23 that, you know, there was a few.
24 Q. Do you recall any of these in particular?
25 A. Usually within the criteria when most of the

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1 potentially in Kent County as well because
2 it's large enough to, you know, have several
3 combinations that could -- could have that
4 end.
5 Q. Any other geography?
6 A. As I recall, most of the other ones fit
7 together fairly well so, yeah, I wouldn't --
8 Q. What about Macomb County?
9 A. Macomb County, I'm sorry, that's true, your
10 home county. That would -- and Macomb did
11 not come out to an exact three districts
12 like it had in the past, so there was some
13 reason to take some population from
14 Macomb County up into St. Clair into the
15 thumb of Michigan to make a fourth district
16 out of that combination.
17 Q. So, other than the Oakland County,
18 the Kent County and the Macomb area, any
19 other place that you can recall right now
20 where you've got some discretion, some
21 wiggle room beyond the criteria?
22 A. No, no other places.
23 Q. I'm sure you've heard the term
24 "gerrymandered" before. What does that mean
25 to you?

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1 counties are so small, or I mentioned
2 Wayne County earlier, Wayne County fit
3 together as a -- you know, to make seven
4 exact districts and then the smaller
5 counties, when you get out-state kind of,
6 you know, take their course and fit together
7 however.
8 I would say where you have any
9 discretion at all might be in a larger
10 county, for instance, like Oakland County,
11 where there's many municipalities and
12 there's probably several combinations that
13 could fit together to fall within the
14 population deviation without breaking any
15 city or township lines, so -- and there's
16 not very many of those so that's why I
17 mentioned a few because there's very few of
18 those counties that would fall under that --
19 you know, where the criteria would allow any
20 decisions like that.
21 Q. Other than Oakland County, are there any
22 other particular geographies where you
23 recall that being an opportunity?
24 A. I would say counties of any size at all,
25 there was probably some discretion

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1 A. To me?
2 Q. Yeah.
3 A. It means when you fracture -- you know, when
4 you don't use criteria like this and you
5 fracture cities, townships, counties to kind
6 of get to a political gain that you're
7 trying to attain and disregarding, you know,
8 any criteria whatsoever.
9 Q. So by just your definition, if you follow
10 the criteria, it necessarily can't be
11 gerrymandered?
12 A. Yeah, I would say so.
13 Q. So, you think if a plan followed all the
14 Apol criteria, there's no opportunity to
15 gerrymander?
16 A. Well, I mean, we just went over some
17 examples of where there's some discretion so
18 in those particular places, but my
19 interpretation of gerrymandering is, you
20 know, much crazier districts that go all
21 over the place and split counties, cities,
22 all those kind of things.
23 Q. Do you think any districts in the 2011
24 Senate map are gerrymandered?
25 MR. GORDON: Under his definition?

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1 County.
2 Q. And tell me about the changes to this
3 district.
4 A. Actually, it only gained -- or actually it
5 lost Presque Isle County and gained
6 Luce County. Really, again, population
7 shifts.
8 (Exhibit 108 was marked.)
9 BY MS. MAPPES:
10 Q. The court reporter has handed you what's
11 been marked Exhibit 108. Are you familiar
12 with this document?
13 A. Yes, I am.
14 Q. Tell me about it.
15 A. This is current and proposed Senate
16 District 38.
17 Q. And who was the senator at the time?
18 A. Senator Tom Casperson.
19 Q. And is Senator Casperson still the senator?
20 A. He is.
21 Q. Where does he live?
22 A. He lives in Delta -- Delta County.
23 Q. And tell me about the changes here.
24 A. One county switched here. Luce County was
25 taken out of the district and other than

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1 at the bottom kind of like a spreadsheet,
2 and you can select what information that
3 you'd like to have on there. So it depends
4 on what you had selected, whether that would
5 pop up or not, but if you did have that
6 programmed that way, it would pop up and
7 show you that information.
8 Q. And for purposes of drawing this Senate map
9 we've been talking about, what did you have
10 in that matrix as you were working?
11 A. It was probably different compared to where
12 I was in the state. I always kept the
13 racial data up when I was down in the
14 Detroit area because that was, you know,
15 something we needed to keep an eye on, make
16 sure that we were trying to abide by the
17 VRA.
18 In other parts of the state, I
19 wouldn't have had that necessarily or I
20 might have just left the matrix up with that
21 on it knowing that it really didn't make
22 that much difference so I didn't refer to it
23 as often.
24 Q. What other data did you have in the matrix?
25 A. There was political data, you could select

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1 that, it's the same.
2 Q. And that is the last one of this type of
3 exhibit. More exhibits, but the last one of
4 this type. I think you said earlier you did
5 not make similar type documents for the
6 Democrat districts because you were only
7 showing these to Republican caucus members?
8 A. That's correct.
9 Q. Did you have -- even if you didn't make a
10 particular document like this, did you have
11 similar analysis of the Democrat districts?
12 A. I did not. I did not.
13 Q. Did you look at the partisan or political
14 data numbers for those Democratic districts?
15 A. I did not.
16 Q. When you are looking at the software, is
17 there any sort of data like that that sort
18 of automatically comes up?
19 Like if you draw a district -- let
20 me finish -- do you see, here's the
21 population or here's the partisanship data;
22 is there sort of immediate feedback that you
23 get when you draw a district that kind of
24 pops up on the screen as you go?
25 A. The way the software works, there's a matrix

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1 different races if you want, like elections,
2 I should have said.
3 Q. And I want to make sure I understand. When
4 you said you could show different elections,
5 was that an example of the political data or
6 were those two different things?
7 A. It's an example of the political data, yes.
8 Q. What particular political data did you have
9 selected?
10 A. I don't recall exactly what I had on the
11 screen, you know, during that period of
12 time. I know we had political data, but I
13 don't know which -- I don't recall which
14 elections that I used.
15 Q. Would it be something similar to these
16 numbers that were showing up on the
17 exhibits -- let me finish -- that we were
18 looking at a moment ago?
19 A. Probably, yeah, something like that, but I
20 don't -- I don't recall the specifics.
21 Q. So you had the political data and then where
22 it made sense you had the racial data.
23 What other data did you have in
24 that matrix?
25 A. The one that I used constantly was the